

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 – 42 are pending in this application.

Claims 23 and 29 have been amended.

New claims 37 - 40 have been added.

**Regarding the Drawings**

The drawings were objected to because they contained some small handwritten text that was difficult to read. Applicant is providing replacement drawing sheets for all the originally filed Figures. Applicant respectfully requests that the objection be withdrawn.

**Regarding the § 102 Rejection**

Claims 1-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Nakata et al.* (International Publication number: WO 98/47145, published 04/29/99). Applicant respectfully traverses this rejection. Applicant agrees with Examiner that *Nakata* discloses an editing system and editing method that operates on sensory data, namely video data and its associated audio data. Applicant further recognizes that the system disclosed by *Nakata* includes various components common to a computer-based editing system such as a storage medium, display, computing device, input device and a data port. However, Applicant respectfully points out that the product disclosed in *Nakata* does not include “historical information” and therefore cannot undo functional operations applied to sensory data.

“Historical information” as taught in the present invention allows, among other things, “functional operations performed on the sensory data [to] be undone for repurposing the sensory

data” and “the same datafile to be distributed to multiple distribution channels” with possible different characteristics on each channel. The information associated with a data file by *Nakata* as shown in Figure 19 of its publication does not qualify as “historical.” The data in *Nakata* can be classified as either contextual (timecodes, source device), parameters (video adjustment data, audio adjustment data), or purely informative (text data, duration). The video adjustment data is defined in ¶ 0259 of *Nakata*, and refers explicitly to chroma and luminance. These are parameters applied to the display of the associated video data and are not “historical” in the sense that there is no record of any previous value. Based on *Nakata*, there is no way to determine any value of a video parameter except for the current one. Therefore, this data is not historical, it is current. With regards to the audio data, *Nakata* teaches only how to store the present value of the audio level with respect to the video source, and is also not “historical” in the sense that no values except the present ones can be obtained.

The *Nakata* contextual data also does not qualify as “historical information.” The *Nakata* publication disclosed the following classes of contextual data: in-point time code, out-point time code, source device id information, file type, file position, and produced date and time. The background of the instant invention includes information such as “data content (e.g., photograph), data format, creation date, author, creation software, version, etc” as stated in the instant application on page 6, lines 6-16. The information listed in *Nakata* provides context with respect to the time of the recording, but is not historical in that this information is not “indicative of environmental or recording device setting used or measured during the gathering of the data.” As disclosed at ¶ 0242 of *Nakata*, the source device information indicates either the server, local storage, the VTR or internal material. The file type information provides additional context based on whether the file is a log clip, program list, material stored on the local storage, or a master program recorded to the local storage. ¶ 0240. The file position information shows

whether the file is stored on local storage or on the computer. ¶ 0241. Applicant respectfully submits that this Nakata information is insufficient to determine the type of camera, the camera's settings, or the environment in which the camera was used. Applicant respectfully notes that the claimed invention is not limited to cameras.

The final class of data associated with a given data file in *Nakata* is just miscellaneous information and includes the duration of the file and various names associated with that file including: file name, event name (clip name), in-point clip address, out-point clip address, duration, text data and program list name. The various name data is freely configurable by the operator or merely descriptive of the file used as source. *Nakata*, ¶¶ 0237, 0238. Program list name is not defined in the *Nakata* publication, but based on its name and usage within the publication it appears to be freely configurable. ¶ 0235 and Figure 27. The in-point and out-point clip addresses merely indicate a physical address on the hard disk drive (HDD). ¶ 0239. The duration field is purely descriptive of the program or clips duration and is presumably calculable from the time codes. ¶ 0236. Lastly, the text data is not defined within the publication and there is no suggestion that its contents are anything other than one of the three classes of data described above. Applicant respectfully submits that the data associated with any of the *Nakata* data files are not "historical" and therefore do not teach, suggest or anticipate any claims in the instant application.

An embodiment of the present invention allows one data file containing sensory data to be applied to multiple purposes while maintaining the integrity of the initial data. This overcomes the problems of maintaining and distributing multiple versions of the same sensory data. The present invention helps reduce the risk of losing the original data after a succession of modifications. *Nakata* does not teach or allude to any such solution. *Nakata* only teaches a

system for editing and producing audio visual programs, but does not solve the problem of or address integrity of the original sensory data using historical information.

Specifically with respect to independent claim 1 of this application, Applicant respectfully submits that *Nakata* does not teach, allude to, mention, or imply “historical information.” Therefore, it further does not teach or enable the associating of “historical information” to sensory data, and does not anticipate this claim. Applicant respectfully requests that the rejection be withdrawn with respect to claim 1, and that Claim 1 is now in condition for allowance.

Claims 3, 4, 6, and 7 are either directly or indirectly dependent upon claim 1 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

With respect to claim 2, this claim is directly dependent upon claim 1 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 1. Claim 2 further claims applicability to sensory data including “at least one of visual, auditory, aural, pressure, and temperature.” Applicant respectfully points out that *Nakata* does not teach, allude to, or anticipate use with pressure or temperature or on anything other than video/audio data. Applicant respectfully submits that for at least these reasons *Nakata* does not anticipate the claimed invention of claim 2, and respectfully requests that this § 102 rejection be withdrawn.

With respect to claim 5, this claim is directly dependent upon claim 1 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 1. Claim 5 further recites, “wherein each of the at least one historical data element is concatenated with the uniquely associated sensory data element.” Applicant respectfully points out that *Nakata* does not disclose the manner in which its data, albeit non-historical, is associated with the sensory

data. Applicant respectfully submits that for at least these reasons Nakata does not anticipate the claimed invention of claim 5, and respectfully requests that this § 102 rejection be withdrawn.

Applicant respectfully submits that independent claim 8 is not anticipated by *Nakata* because *Nakata* does not teach or anticipate the generation of “historical information based upon the historic operations being performed.” The operations performed in the editing method taught by *Nakata* are not preserved, and Applicant respectfully submits that *Nakata* therefore does not anticipate claim 8. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to claim 8, and that it is now in condition for allowance.

Claims 9, and 11-13 are either directly or indirectly dependent upon claim 8 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

With respect to claim 10, this claim is directly dependent upon claim 8 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 8. Claim 10 further recites, “wherein the at least one historical data element is appended to a corresponding sensory data element.” Applicant respectfully points out that *Nakata* does not teach, or disclose appending its non-historical data with sensory data. Applicant respectfully submits that for at least these reasons Nakata does not anticipate the claimed invention of claim 10, and respectfully requests that this § 102 rejection be withdrawn.

With respect to independent claim 14, Applicant respectfully submits that *Nakata* does not teach a method for associating data, historical, functional, or otherwise with sensory elements. The functional operations or effects that are taught and applied in *Nakata* are not applied to any particular sensory element. The effects are also not historical because they, among other things, cannot be undone. Therefore, Applicant submits that Nakata does not

anticipate claim 14 because the data that it does associate does not have a “one-to-one correspondence” with sensory data elements. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to claim 14, and that it is now in condition for allowance.

Claims 16, 18, and 19 are either directly or indirectly dependent upon claim 14 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

With respect to claim 15, this claim is directly dependent upon claim 14 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 14. Claim 15 further recites, “wherein the first and second data fields are concatenated.” Applicant respectfully points out that *Nakata* does not teach or disclose concatenation of its non-historical data with the sensory data. Applicant respectfully submits that for at least these reasons *Nakata* does not anticipate the claimed invention of claim 15, and respectfully requests that this § 102 rejection be withdrawn.

With respect to claim 17, the Applicant respectfully points out that *Nakata* is not capable of handling an arbitrarily large number of operations applied within a given interval of time. According to Figures 31 and 32 of *Nakata*, it is only possible to have up to eight possible sources used in the final output at any given point. Even if the number eight is only illustrative, this implies a fixed number of sources as opposed to a variable number. Because *Nakata* handles only a fixed number of operations, *Nakata* does not disclose or have need for an “end-of-operation” identifier. The *Nakata* publication does not mention an “end-of-operation” identifier or its equivalent. Applicant respectfully submits that claim 17 is not anticipated by *Nakata*, and requests that this § 102 rejection be withdrawn.

Regarding independent claim 20, Applicant respectfully points that *Nakata* does not disclose a means for directly recording sensory information. The devices included in the *Nakata* publication contain data that was recorded independently from the editing system. Therefore, *Nakata* does not disclose a “means for recording sensory information” or a “measuring device ... for measuring input parameters.” Applicant respectfully submits that, for the above mentioned reasons, *Nakata* does not anticipate claim 20 of this application, and respectfully requests that the § 102 rejection be withdrawn with respect to it, and that it is now in condition for allowance.

Claims 22, 24, and 25 are either directly or indirectly dependent upon claim 20 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

With respect to claim 21, this claim is directly dependent upon claim 20 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 20. Claim 21 further recites, “wherein the sensory data includes a plurality of sensory data elements, at least one sensory data element having at least one historical data element concatenated thereto.” Applicant respectfully points out that *Nakata* does not teach or disclose concatenation of its non-historical data to associated sensory data. Applicant respectfully submits that for at least these reasons *Nakata* does not anticipate the claimed invention of claim 21, and respectfully requests that this § 102 rejection be withdrawn.

With respect to claim 23, this claim is directly dependent upon claim 20 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 20. Claim 23 further claims applicability to sensory data including “visual, auditory, aural, pressure, and temperature.” Applicant respectfully points out that *Nakata* does not teach, allude to, or anticipate use of pressure or temperature data or anything other than video/audio data. Applicant

respectfully submits that for at least these reasons *Nakata* does not anticipate the claimed invention of claim 23, and respectfully requests that this § 102 rejection be withdrawn.

Regarding independent claim 26, Applicant respectfully brings to the attention of the Examiner the fact that *Nakata* does not teach maintaining functional operations applied to sensory data as discussed with respect to claims 1 and 14 above. Once the final output is produced according to *Nakata*, the functional operations used to produce it need not be preserved and are not discernable from the final output. For at least the reasons above, Applicant respectfully submits that *Nakata* does not teach or anticipate claim 26. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to claim 26 and that it is now in condition for allowance.

Claim 28 is directly dependent upon claim 26 and is therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to this claim.

With respect to claim 27, this claim is directly dependent upon claim 26 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 26. Claim 27 further recites, “wherein the at least one historical data element is concatenated to the at least one sensory data element.” Applicant respectfully points out that *Nakata* does not teach concatenation of its data, albeit non-historical, with the sensory data. Applicant respectfully submits that for at least these reasons *Nakata* does not anticipate the claimed invention of claim 27, and respectfully requests that this § 102 rejection be withdrawn.

As discussed above with respect to claims 1, 14, and 27, Applicant respectfully submits that independent claim 29 is also not anticipated by *Nakata*. *Nakata* does not teach how to generate historical information, nor is there a basis for asserting that *Nakata* associates data by



means of concatenation. Applicant respectfully requests that the § 102 rejection be withdrawn, and that claim 29 is now in condition for allowance.

Claim 30 is directly dependent upon claim 29 and is therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to this claim.

With respect to claim 31, Applicant would agree with the Examiner that *Nakata* does make use of a local area network (LAN) to communicate information from the computer to the on-air buffer. However, the Nakata LAN is used to communicate commands and the edit list to the on-air buffer of Nakata. ¶ 0078. The video/audio signal (S16) of Nakata is transmitted via a different interface that does not utilized the network. ¶ 0078. Furthermore, as discussed above with respect to claim 1, Nakata does not teach or anticipate historical information. Applicant respectfully submits that *Nakata* does not anticipate claim 31. Applicant respectfully requests that the § 102 rejection be withdrawn, and that claim 31 is now in condition for allowance.

Claims 32, 34, and 36 are either directly or indirectly dependent upon claim 20 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

With respect to claim 33, this claim is directly dependent upon claim 31 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 31. Applicant respectfully submits that there is no system anticipated or taught by *Nakata* that can serve the function of a parser. The parser is used to output modified sensory data “according to the historical data elements” and the nature of the client. *Nakata* does not teach a general distribution system, nor does it teach a method for delivery based on the activity of a parser.

Applicant respectfully submits that for at least these reasons Nakata does not anticipate the claimed invention of claim 33, and respectfully requests that this § 102 rejection be withdrawn.

With respect to claim 35, this claim is directly dependent upon claim 33 and is therefore not anticipated for, at least, the same reasons as stated above with respect to claim 33. Applicant respectfully submits that the system disclosed in the *Nakata* publication lacks, among other things, any type of user or licensee based access controls. Furthermore, *Nakata* does not teach a “database ... for storing information representative of permission for a licensee to modify” data contained within its system. Applicant respectfully submits that for at least these reasons Nakata does not anticipate the claimed invention of claim 35, and respectfully requests that this § 102 rejection be withdrawn.

Regarding independent claim 37, Applicant respectfully submits *Nakata* does not teach maintaining functional operations associated with a sensory data element nor does Nakata teach that any information is appended to sensory data elements. In addition, the same reasons discussed above with respect to claims 1 and 14 apply to claim 37 as well. As such, Applicant respectfully submits that claim 37 is not anticipated by *Nakata*, and that it is now in condition for allowance.

Claim 38 is directly dependent upon claim 37 and is therefore not anticipated for at least the same reasons discussed above with respect to *Nakata*. Claim 38 further recites, “wherein each of the sensory data elements is appended by at least one historical data element.” Applicant respectfully points out that *Nakata* does not teach or anticipate appending sensory data elements with at least one historical element. Applicant respectfully submits that for at least these reasons Nakata does not anticipate the claimed invention of claim 38, and respectfully requests that this § 102 rejection be withdrawn. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to this claim.

Regarding independent claim 39, Applicant respectfully submits that *Nakata* does not teach a datafile that contains sensory data and historical information that represents “functional operations applied to at least one sensory data element.” The file in *Nakata* that contains functional operations, namely the program list, is maintained separately from any sensory data based on the description of Figure 19, ¶ 0240. A *Nakata* program list is distinguished from material as a classification of a file which means that these file type must be distinct. Furthermore, the attributes used by the file manager in *Nakata* has a place for file location, which implies that it could reside in a separate location. Therefore, *Nakata* cannot teach a system operable to receive such a file because *Nakata* does not teach the creation or use of such a file. Applicant respectfully submits that claim 39 is not anticipated by *Nakata*, and requests that the § 102 rejection be withdrawn with respect to claim 39, and that this claim is now in condition for allowance.

Claims 40 and 41 are directly dependent upon claim 39 and are therefore not anticipated for at least the same reasons as discussed above with respect to *Nakata*. Applicant respectfully requests that the § 102 rejection be withdrawn with respect to these claims.

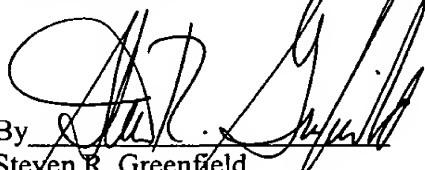
Claim 42 is directly dependent upon claim 39 and is therefore not anticipated for at least the same reasons discussed above with respect to *Nakata*. Applicant respectfully points out, as discussed above, that *Nakata* does not teach or anticipate the ability to undo the results of any edits that its system performs. Applicant respectfully submits that *Nakata* does not anticipate claim 42 because it lacks undo capability. Applicant respectfully request that the § 102 rejection be withdrawn with respect to claim 42, and that this claim is now in condition for allowance.

Applicant respectfully submits that based on the above claims 1-42 are not anticipated by *Nakata* and are therefore ready for allowance. Applicant respectfully requests that the § 102 rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

  
By \_\_\_\_\_

Steven R. Greenfield

Registration No.: 38,166

JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant

Attachments